Signed Copy

ORIGINAL

CONSTITUTION
OF THE
UGASHIK TRADITIONAL VILLAGE

PREAMBLE

We, the Alaska Natives of Ugashik, Alaska, citizens of the United States and descendants of the original inhabitants of this land, having common bonds of ancestry, culture, and community identity, in order to implement our inherent right of self-governance as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this constitution.

ARTICLE I. NAME

This community shall be called the Native Village of Ugashik, Alaska, hereinafter referred to as the Ugashik Traditional Village.

ARTICLE II. TERRITORIAL JURISDICTION

The territorial jurisdiction of the Ugashik Traditional Village shall extend to:

(a) all such, Indian Country of the Ugashik Traditional Village as may exist under federal law;

(b) all lands within the Ugashik Traditional Village townsite;

(c) all lands acquired by the Ugashik Traditional Village, including any federal lands held in trust for the Ugashik Traditional Village's inhabitants;

(d) all lands selected by the Alaska Peninsula Corporation for the Native Village of Ugashik, Alaska under the Alaska Native Claims Settlement Act;

(e) any other Indian Country of the Ugashik Traditional Village as may exist; under federal law.

ARTICLE III. MEMBERSHIP

Section 1. Base Membership

All persons listed on the Base Roll of the Native Village of Ugashik, Alaska shall be members of the Ugashik Traditional Village. The Base Roll is to be certified by the Tribal council within six months unless extended by the Tribal council and is to include only those living persons of one sixteenth (1/16) Alaska Native descent who:

(a) are domiciled in the Ugashik Traditional Village at the time the Base Roll is certified; or

(b) were born or raised in the Native Village of Ugashik; or

(c) have such substantial ties to the Native Village of Ugashik, as to be considered Tribal members of the Ugashik Traditional Village by common community knowledge, as determined by the Tribal Council; or

(d) are shareholders of the original Ugashik Village Corporation, which is now part of the Alaska Peninsula Corporation, and have other significant ties to the Ugashik Traditional Village, as determined by the Tribal council.

Section 2. New Tribal Members

(a) Children

All children born to Tribal members of the Ugashik Traditional Village and all children biologically of one sixteenth (1/16) Alaska Native descent, who are adopted by Tribal members shall be admitted upon application.

(b) New Tribal Residents

Any person of one sixteenth (1/16) Alaska Native descent who live in the village for at least one year and intends to remain with the Ugashik Traditional Village shall be admitted to Tribal membership upon application.

(c) Adopted Tribal Members

Any person of one sixteenth (1/16) Alaska Native descent not otherwise eligible for Tribal membership but with familial or other significant ties to the Tribe may be admitted to Tribal membership at the discretion of the Tribal council.

Section 3. Dual Tribal Membership Prohibited

Notwithstanding any other provision of this Article, no person may be a Tribal member of the Ugashik Traditional Village who is also an enrolled Tribal member of another federally recognized Alaska Native Village or Indian Tribe.

Section 4. Loss of Tribal Membership

Tribal membership may be voluntarily relinquished by written notice from a Tribal member to the Tribal council. The Tribal council may revoke Tribal membership involuntarily for such cause upon due process of Tribal law.

Section 5. Honorary Members

Persons not eligible for Tribal membership may be designated honorary members by the Tribal council. Honorary members may not hold elective office; do not have the right to vote, and do not become eligible for Tribal benefits by reason of their honorary membership.

Section 6. Regulation of Membership

The Tribal council shall establish an enrollment committee to develop the Base Roll and process applications and may establish rules and procedures governing enrollment, including application and appeals procedures.

ARTICLE IV. TRIBAL COUNCIL

Section 1. Name

The governing body of the Ugashik Traditional Village shall be the Ugashik Traditional Village Council, hereinafter referred to as the Tribal council.

Section 2. Composition

The Tribal council shall consist of five members of the Ugashik Traditional Village who shall be elected by a majority vote of the eligible voters at the annual Tribal membership meeting. Tribal council members shall take office immediately upon election.

Section 3. Officers

The Tribal council shall include a Tribal President, a Tribal Vice President, a Tribal Secretary, a Tribal Treasurer and a Tribal At-Large member. These officers of the council all shall have an individual voter during council meetings. These positions will be voted on by the Tribal council.

Section 4. Terms of Office

Tribal council members shall serve for a term of three years, with staggered terms.

Section 5. Vacancies

Any seat which is vacated shall be filled by appointment by the remaining Tribal council members at their next meeting. The replacement shall serve until the next annual Tribal membership meeting.

ARTICLE V. ELECTIONS

Section 1. Voter Qualifications

Any member of the Ugashik Traditional Village who has reached the age of eighteen or older and who has been a member of the Ugashik Traditional Village shall be eligible to vote in all Tribal community elections and meetings.

Section 2. Elections

The regular election of Tribal officials and of questions requiring voter approval shall be held at the annual Tribal membership meeting. Special elections may be called at other times by the Tribal council,

with or without a meeting of the Tribal membership, provided that no election shall be called during the commercial fishing season.

Section 3. Notice

The Tribal council shall publicize all Tribal elections by customary Tribal methods at least fifteen day in advance of the meeting.

Section 4. Secret Balloting

All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot if requested by three or more eligible voters.

Section 5. Tribal Election Committee

Prior to any Tribal election, the Tribal council may appoint responsible persons to supervise, administer, and conduct the election. The Tribal council may by ordinance establish a permanent Tribal election committee and procedures for conducting elections and maintaining voter rolls.

ARTICLE VI. REMOVAL FROM OFFICE

Section 1. Misconduct or Neglect

Any Tribal council member or other Tribal official found guilty by the Tribal council of behavior involving gross misconduct in office or neglect of duty may be removed from office by a voter of at least three members of the Tribal council. Voting must be by secret ballot and the Tribal council is entitled to vote. Before any vote for removal is taken, the accused must be given a reasonable opportunity to answer the charges against him or her.

Section 2. Recall

Eligible voters shall have the power to remove any member of the Tribal council by recall. The process shall be initiated by giving a petition asking for such removal to the Tribal council. The petition must be signed by at least twenty percent of the eligible voters and must set forth the reasons for the petition. The Tribal council must hold a Tribal election to consider the recall within thirty days of receipt of the petition.

Section 3. Forfeiture

Any Tribal council member who is convicted of a felony by state or federal courts, or ceases to be a Tribal member of the Ugashik Traditional Village shall automatically forfeit his or her office.

ARTICLE VII. POWERS

Section 1. Assertion of Power

The Ugashik Traditional Village shall have all rights and powers of a sovereign, self-governing people except to the extent limited by federal law.

Section 2. Powers of the Tribal Council

Except as otherwise provided by this constitution, all powers of the Ugashik Traditional Village may be exercised by the Tribal council.

Section 3. Power to Tax Reserved

No taxes or assessments may be levied without a referendum of the eligible voters of the Ugashik Traditional Village.

ARTICLE VIII. POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative

The eligible voters of the Ugashik Traditional Village shall have the right to propose legislation or other community action. Upon receipt of a petition signed by at least twenty percent of the eligible voters, the Tribal council shall; call an election to be conducted within thirty days of receipt of the petition. The election shall be by secret ballot. At least twenty percent of the eligible voters must vote for the election to be binding.

Section 2. Referendum

The Tribal council may call an election for the purpose of deciding any issue or question which is within the authority of the Tribal council. At least twenty percent of the eligible voters must vote for the election to be binding.

Section 3. Voters Decision Binding

The decision of the majority of voters in both initiative and referendum elections shall be binding on the Tribal council and the Ugashik Traditional Village and shall remain in full force until amended or rescinded by the voters or expires by it own terms.

ARTICLE IX. RIGHTS OF MEMBERS

Section 1. Rights and Privileges

All Tribal members of the Ugashik Traditional Village shall enjoy without hindrance their rights as citizens of the United States.

Section 2. Indian Civil Rights Act

In exercising its power of self-government the Ugashik Traditional Village shall comply with the provision of the Indian Civil Rights Act, 25 USC 1301, et. Seq., and not infringe the individual liberties guaranteed therein.

Section 3. Right to Inspect Records

Members of the Tribe shall have the right to review all records of the Tribal government, including financial records, at any reasonable time in accordance with procedures established by the Tribal council.

ARTICLE X. DUTIES OF OFFICERS

Section 1. Tribal President

The Tribal President shall preside at all meetings of the community and of the Tribal council and shall execute on behalf of the Ugashik Traditional Village all contracts, leases, or other formal documents approved by the Tribal council. He or she shall vote in matters before the Tribal council. He or she shall have the general supervision of all other officers, employees, and committees of the Ugashik Traditional Village and see that their duties are properly performed. When the Tribal council is not in session, he or she shall be the official representative of the community.

Section 2. Tribal Vice-President

The Vice-President shall assist the Tribal President when called upon to do so. In the absence of the Tribal President, he or she shall preside and when so presiding shall have all the rights, duties, privileges and responsibilities of the Tribal President.

Section 3. Tribal Secretary

The Tribal Secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. He or she shall maintain in permanent form all minutes, resolutions, ordinances, and rules of the Ugashik Traditional Village, which shall be public information. He or she shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Tribal council. The Tribal Secretary shall keep records of the annual meeting.

Section 4. Tribal Treasurer

The Tribal Treasurer shall carry out the financial directives of the Tribal council, receive and safeguard all monies of the Tribal council and keep an accurate account of receipts and disbursements. He or she shall report to the Tribal council all receipts and expenditures and the amount and nature of all Tribal council funds. Funds shall be deposited in a bank approved by the Tribal council where depositor's funds are insured by the Federal Deposit Insurance Corporation.

Section 5. Tribal At-Large Member

The Tribal At-Large Member will help out all other members of the Tribal council when asked upon to do so.

Section 6. Tribal Administrator

The Tribal Administrator shall help the Tribal Secretary and Tribal Treasurer with the paperwork. He or she shall apply for applicable grants and other funding for projects decided upon by the Tribal council. The Tribal Administrator shall assume all the duties of the Tribal Secretary and the Tribal Treasurer.

ARTICLE XI. MEETINGS

Section 1. Regular and Special Meetings

Regular meetings of the Tribal council shall be held when called by the council, the time, place and date to be designated by the Tribal council. Special meetings of the Tribal council may be called by the Tribal President and shall be called by him or her upon request of at least three members of the Tribal council and when so called, the Tribal council shall have power to transact business as in regular meetings.

Section 2. Quorum

A quorum of the Tribal council shall consist of three members of the council. No business shall be transacted unless a quorum is present.

Section 3. Conflict of Interest

No Tribal council member may vote on any matter pertaining specifically to him or her, to an immediate family member, or on any matter in which he or she or an immediate family member has a significant financial interest. Nothing herein bars a Tribal council member from voting on a matter in which the benefit to him or her is common to that of Tribal members at large, or bars a Tribal council member or a member of his family from employment by the Ugashik Traditional Village. Immediate family members are defined as father; mother, brother, sister, wife, husband, son, daughter, or anyone in the Tribal council members' household.

Section 4. Open Meetings

All meetings of the Tribal council shall be open to the public; provided that the Tribal council may recess at its discretion to discuss any matter in executive session, if the reason for going into executive session is stated in the motion calling for such a session and no final or official action is taken in the executive session.

Section 5. Decisions

Final decisions of the Tribal council on matters of permanent interest, such as the passage of Tribal laws and regulations, shall be by ordinance. Final decisions of the Tribal council on matters of temporary interest may be by resolution.

Section 6. Parliamentary Procedures

All Tribal meetings shall be conducted in accordance with Roberts Rules of Order or other rules adopted by the Tribal council.

Section 7. Tribal Meetings

Regular Tribal meetings of the general Tribal membership of the Ugashik Traditional Village shall be held at least once annually, the date, time and place to be established by the Tribal council. Special meetings of the general membership may be called by the Tribal President and shall be called by him or her upon either a majority vote of the Tribal council or receipt of a petition signed by at least twenty percent of the eligible voters.

Section 8. Notice

All Tribal meetings of the Tribal membership must be publicized by the Tribal council by customary Tribal methods at least fifteen days in advance. No Tribal membership meeting may be called during fishing season.

Section 9. Quorum of Tribal Membership

A quorum of the general Tribal membership at special Tribal meetings shall consist of at least ten percent of the eligible voters and no business shall be conducted unless a quorum is present. There shall be no minimum quorum for regularly scheduled annual Tribal meetings.

ARTICLE XII. SERVERABILITY

If any provision of this constitution should be declared invalid by a federal or Tribal court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XIII. SAVING CLAUSE

Section 1. Existing Law Remains in Effect

To the extent consistent with this constitution, all previous Tribal ordinances and resolutions adopted by the Ugashik Traditional Village Council and all customary Tribal law shall remain in effect following the adoption of this constitution.

Section 2. Revisions

In the event of future constitutional revisions, all previous Tribal ordinances, resolutions, and customary Tribal laws shall remain in effect to the extent that they are consistent with the new constitution or amendments.

ARTICLE XIV. AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters in an election called for that purpose, provided that at least thirty percent of those eligible vote. The election may take place at the annual Tribal membership meeting.

ARTICLE XV. ADOPTION

Section 1. Effective Date

This constitution shall be effective immediately when adopted by a majority vote of the eligible voters, as defined in this constitution, at an election or meeting called for that purpose in which at least thirty percent of those eligible vote.

Section 2. Transition

(a) Ugashik Traditional Village Council members elected prior to the adoption of this constitution shall remain in office until the first election under this constitution.

(b) Staggered terms of office for Tribal officials required by this constitution will be established in the first election of officials under this constitution.

DATE OF ADOPTION OR AMENDMENTS: July 24, 2004 Annual Meeting

VOTING FOR: 17 VOTING AGAINST: 8

8/10/05 [date]
Tribal President, UTVC

Subscribed and sworn to before me [illegible] [date].
[Signature and seal of notary public or witness]
Notary Public
My commission expires: [illegible] [date].

8/8/05 [date]
Tribal Secretary, UTVC

Subscribed and sworn to before me AUG 8, 2005 [date].
Desiree Krukoff (POSTMASTER)
[Signature and seal of notary public or witness]
Notary Public
My commission expires: _____ [date].

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